

Message Text

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PAGE 01 STATE 148365

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ORIGIN SCSE-00

INFO OCT-01 ISO-00 JUSE-00 /001 R

DRAFTED BY SCA;SCS;RBOYLAN:JS
APPROVED BY SCA;SCS;LPMULLIN
DESIRED DISTRIBUTION
DEPARTMENT OF JUSTICE: MR. BRUNO RISTAU, RM 3613

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O R 242118Z JUN 75
FM SECSTATE WASHDC
TO AMCONSUL HONG KONG IMMEDIATE
INFO SECDEF WASHDC
USARMY CID COMMAND

UNCLAS STATE 148365

SECDEF FOR PDASD(C) -- CID COMMAND FOR CIOP-FR

E.O. 11652:N/A

TAGS:CGEN

SUBJECT: U.S. VS. SIMMONS ET AL.

REF: A. HONG KONG 6812; B. HONG KONG 6888

1. DOJ IS MOST GRATEFUL FOR THE INFORMATION PROVIDED IN
REFTELS AND IS AIRMAILING TO CONGEN AND USG COUNSEL
DETAILED RESPONSES TO QUESTIONS RAISED IN REFTELS, AND
SUPPLEMENTARY INFORMATION CONCERNING USG CASE AGAINST
SIMMONS, CONSISTING OF:

A. COPY OF OFFICIAL VIETNAMESE PENAL CODE IN EFFECT AT TIME
OF SIMMONS' FRAUD, TOGETHER WITH ENGLISH TRANSLATIONS OF
RELEVANT PROVISIONS THEREOF FURNISHED BY FOREIGN LAW
DIVISION OF LIBRARY OF CONGRESS.

B. INFORMATION RELATIVE TO AVAILABILITY OF VIETNAMESE
LAWYERS IN UNITED STATES.

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C. COPIES OF RELEVANT AUTHORIZATION/APPROPRIATION ACT
ESTABLISHING THE VIETNAMESE MILITARY SYSTEMS PROGRAM.

COPIES OF RELEVANT SECTIONS OF TITLE 18 UNITED STATES
CODE TO SHOW POSSIBLE VIOLATIONS OF U.S. LAW, TOGETHER
WITH COURT DECISIONS UPHOLDING EXTRA-TERRITORIAL
APPLICATION THEREOF.

E. COPIES OF DECLASSIFIED MESSAGES AND MEMORANDA WHICH
HAVE BEEN OBTAINED FROM THE DAO REMNANT IN HAWAII.

F. DETAILED MINUTES OF THREE MEETINGS WHICH WERE HELD IN
WASHINGTON, D.C. ON JUNE 20TH AND 23RD BETWEEN DOJ
REPRESENTATIVES AND SIMMONS' HONG KONG COUNSEL.

2. SIMMONS' COUNSEL ARE NOW AWARE THAT CRIMINAL CHARGES IN
THIS COUNTRY ARE BEING CONTEMPLATED, AND SIMMONS MAY
ATTEMPT TO LEAVE U.S. TO AVOID PROSECUTION.

3. SIMMONS' COUNSEL INDICATED THAT THEIR PRIME CONCERN IS

TO FORESTALL CRIMINAL PROSECUTIONS WHICH MIGHT DAMAGE
SIMMONS' STANDING AMONG THE BUSINESS COMMUNITY.

4. RE CIVIL CASE: SETTLEMENT OFFER, CONDITIONED ON
IMMUNITY FROM CRIMINAL PROSECUTION, WAS NOT REPEATED NOT
ACCEPTED BY DOJ. COUNSEL FOR SIMMONS EXUDED CONFIDENCE
THAT THEY CAN PREVAIL IN THE CIVIL ACTION. THEY APPEAR TO
BE PURSUING THEORY THAT SIMMONS WAS A DUPE OF OTHERS
(MARINI?) AND THAT, AT MOST, HE WAS GUILTY OF SOME TYPE OF
NEGLIGENCE IN CARRYING OUT HIS ASSIGNED DUTIES.
SIMMONS'S COUNSEL INTEND TO RELY PRIMARILY ON TECHNICAL
RULES OF EVIDENCE GOVERNING ADMISSIBILITY.

5. DOJ CONCURS WITH COUNSEL'S RECOMMENDATION THAT INJUNC-
TION AGAINST HANG SENG BANK LTD., BE DISCONTINUED,
PROVIDED THEY AGREE TO EXTEND THEIR CONTINUED COOPERATION,
AND DO NOT PRESS FOR COURT COSTS. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 24 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE148365
Document Source: CORE
Document Unique ID: 00
Drafter: JS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750220-0084
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750620/aaaaaryq.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SCSE
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 HONG KONG 6812, 75 HONG KONG 6888
Review Action: RELEASED, APPROVED
Review Authority: greenet
Review Comment: n/a
Review Content Flags:
Review Date: 08 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <08 JUL 2003 by PhilliR0>; APPROVED <15 JAN 2004 by greenet>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: U.S. VS. SIMMONS ET AL.
TAGS: CGEN
To: HONG KONG
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006